

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS**

April 16, 2012 – 6:00 PM

J. NEWTON COHEN, SR. ROOM

J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING
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Present: Chad Mitchell, Chairman
Carl Ford, Vice-Chairman
Jon Barber, Member
Raymond Coltrain, Member
Jim Sides, Member

County Manager Gary Page, Clerk to the Board Carolyn Athey, County Attorney Jay Dees and Finance Director Leslie Heidrick were present.

Chairman Mitchell convened the meeting at 6:00 p.m.

Chairman Mitchell provided the Invocation and also led the Pledge of Allegiance.

CONSIDER APPROVAL OF THE MINUTES

Commissioner Barber moved, Commissioner Coltrain seconded and the vote to approve the minutes of the April 2, 2012 Commission Meeting passed unanimously.

CONSIDER ADDITIONS TO THE AGENDA

There were no additions to the agenda.

CONSIDER DELETIONS FROM THE AGENDA

- Commissioner Ford made a motion to remove item # 8 for discussion during a Special Called Meeting. The motion was seconded by Commissioner Sides.

Commissioner Ford inquired as to how the delay might affect the grant application and County Manager Gary Page said it would be fine as long as the grant was submitted by April 30, 2012.

Commissioner Coltrain felt the Board had enough information to vote on the matter today.

Chairman Mitchell said Commissioner Ford had indicated he needed additional time to consider some of the items in the agreement.

Upon being put to a vote, the motion on the floor passed 3-2 with Commissioners Coltrain and Barber dissenting.

- Commissioner Sides moved that item #9 be removed and placed on the agenda for May 7, 2012. Commissioner Sides said the tax value on the website did not match the current tax value for the site. Commissioner Sides said the property in question was also being considered for an ambulance site in the western portion of the County.

Chairman Mitchell said the tax value was over \$70,000 instead of the \$47,000 that had been listed on the website.

County Manager Gary Page said the surplus property list was pulled from the website earlier in the day and would be upgraded to reflect the latest revaluation figures.

Mr. Page said he would contact the bidder to inquire as to whether he wished to increase his offer to within 70% of the current tax value.

Upon being put to a vote, the motion on the floor passed unanimously.

CONSIDER APPROVAL OF THE AGENDA

Commissioner Barber moved, Commissioner Sides seconded and the vote to approve the agenda passed unanimously.

1. CONSIDER APPROVAL OF CONSENT AGENDA

Commissioner Ford moved to pull item C for discussion on the regular agenda. The motion was seconded by Commissioner Barber and passed unanimously.

Chairman Mitchell placed the issue on the agenda as item #7.2 for discussion.

Commissioner Coltrain discussed Consent Agenda item B and encouraged citizens to recycle their pesticide containers if the grant was approved.

The Consent Agenda consisted of the following:

- A. Set Public Hearing for May 7, 2012 for Z 03-12
- B. Environmental Management to Apply for Pesticide Container Recycling Grant
- C. Resolution in Favor of Reinstatement of State Funding to the NC Transportation Museum
- D. Resolution Honoring Boy Scout Leader Jim Sawyer

- E. Selection of Architect for Renovation Project at Health Department Smile Center

2. PUBLIC COMMENT PERIOD

Chairman Mitchell opened the Public Comment Period to entertain comments from any citizens wishing to address the Board. The following individuals came forward:

- Zach Eagle encouraged the Board to continue to open meetings with sectarian prayer.
- Larry Wright encouraged everyone to vote in support of the marriage amendment. Mr. Wright also supported a proposed requirement for voter identification.
- Roger Epps encouraged the Board to continue to open meetings with sectarian prayer.

With no one else wishing to address the Board, Chairman Mitchell closed the Public Comment Period.

3. PUBLIC HEARING FOR NC CATALYST PROGRAM APPLICATION

Planning and Development Director Ed Muire said Grateful Heart Ministries (Ministries) was a local non-profit entity located at 706 Dunn's Mountain Road in Granite Quarry that provided food, clothing, furniture and limited counseling to Rowan County families in need. Mr. Muire said the current primary focus was providing food in bulk to over 1,000 families registered with the ministry. Registered families are eligible to receive food on a bimonthly basis at the location staffed by volunteers each Monday and Thursday.

Mr. Muire said the Ministries was designated as an outlet for the Feed America Foundation and received food donations from Walmart, Food Lion, Aldi and recently had made arrangements to receive additional food supplies from Second Harvest.

Mr. Muire said the NC Department of Commerce, Division of Community Investment (DCI) received funding from the federal Housing and Urban Development (HUD) in the form of the Community Development Block Grant Program (CDBG). Funding allocated to DCI provides grants to small counties and towns throughout North Carolina to benefit low to moderate income individuals and families. As part of DCI's program, the 201 NC CDBG Program has introduced a new category of funding entitled the Economic Catalyst Program. This is a competitive grant program and as such, funding is not guaranteed.

Mr. Muire explained that a representative of Grateful Heart Ministries contacted Staff in late January 2012 requesting the County's assistance applying for an NC Catalyst Grant on their behalf. Since that time, Hobbs, Upchurch and Associates

(HUA) have been assisting the Ministries with compiling the necessary information and paperwork. The deadline for application submittals is April 30, 2012. The Ministries is requesting \$500,000 in NC Catalyst funds to purchase property and construct a new 50' x 130' facility to expand their food mission, provide space for food/clothing distribution and create a workshop/counseling space.

As part of the requirements for submittal of the application, the county must conduct the scheduled public hearing and adopt a resolution authorizing staff and HUA to make application for the 2011 program.

Chairman Mitchell opened the public hearing to receive citizen input regarding the NC Catalyst Program application. With no one wishing to address the Board, Chairman Mitchell closed the public hearing.

Commissioner Barber moved to approve the resolution authorizing Staff and HUA to make an application for the 2011 NC Department of Commerce, Division of Community Investment Economic Catalyst Program. The motion was seconded by Commissioner Coltrain and passed unanimously.

Commissioner Barber moved, Commissioner Coltrain seconded and the vote to authorize the Chairman to sign the application passed unanimously.

4. PUBLIC HEARING FOR CUP 01-11 AMENDMENT

Chairman Mitchell read the Chairman's Speech (Exhibit A) and declared the public hearing for CUP 01-11 Amendment to be in session. Chairman Mitchell said the hearing would focus on an application submitted by Mike Murray for the property located at 5865 South Main Street. The purpose of the application was to consider amending the days and hours of operation for Buckshots located on Tax Parcel 481 045.

The Clerk swore in those wishing to provide testimony in the case.

Senior Planner Shane Stewart provided the Staff Report (Exhibit B).

Mr. Stewart recalled that on August 15, 2011, the Board approved CUP 01-11 on a 3-2 vote to allow the operation of a venue featuring a game room, live music, and on the site sale/consumption of alcohol subject to six (6) conditions. The six (6) conditions were listed in Attachment A of the Staff Report (Exhibit B). Mr. Stewart said the previous applicants, Kevin Howard and Jimmy Lingle, suggested proposed days and hours of operation, which became condition number 6.

Mr. Stewart said Mike Murray, a representative for Buckshots, submitted a request shown as Attachment B of the Staff Report (Exhibit B), which asked for a change of days and hours of operation. Mr. Stewart said the request was due to

a growing number of Buckshots customers desiring to have pool leagues on Monday and Tuesday.

Mr. Stewart said according to Alcohol Law Enforcement (ALE) staff, no violations or concerns with Buckshots were noted. Planning Staff did request a 911 report of calls received since the date the certificate of occupancy was issued. The 911 report was listed in the Staff Report (Exhibit B) as Attachment C.

Mr. Stewart said since the request was not considered "minor" it must be considered by the Board in the same manner as a new request. Mr. Stewart said if the Board should choose to approve the request, the same findings of fact could still apply.

Chairman Mitchell opened the public hearing to receive citizen input regarding the amendment for CUP 01-11. The following individuals came forward:

- Mike Murray, a partner in the business, discussed the current days/hours of operation and said nothing would change with the establishment except the addition of the extra two (2) days.
- James (last name inaudible) expressed concern with the amount of noise that came from the establishment. James said his house was 600 to 800 feet away from the business and at times he heard music past 11:30 p.m. James said the noise was tolerable right now since it was only two (2) nights per week. James said he had left the Sheriff a voicemail several times but had never received a follow up call.

Chairman Mitchell encouraged James to call 911 in the future if he had a complaint so that the disturbance could be documented and investigated.

Commissioner Coltrain asked James if he had visited the establishment to share his concerns and James responded no and that he was uncomfortable to do so.

In response to an inquiry from Commissioner Sides, James clarified he should have stated that he heard music up until 11:30 p.m. instead of after 11:30 p.m.

Mr. Murray asked James to please call him anytime he had a problem with the business. Mr. Murray said Jimmy Lingle was also a partner in the business and they both wanted the establishment to be considered as a good neighbor. Mr. Murray said the business was kept clean, the grounds were kempt and a fence had been put up, all in an effort to be a good neighbor. Mr. Murray reiterated that James should feel free to come by and talk with him anytime. Mr. Murray said he appreciated James' comments.

Commissioner Sides asked if Mr. Murray would consider changing the hours of operation on Friday and Saturday nights in exchange for the Board granting the extra (2) days. Mr. Murray discussed his preference for remaining open until 2:00 a.m.

With no one else wishing to address the Board, Chairman Mitchell closed the public hearing.

Commissioner Coltrain moved approval of the CUP 01-11 Amendment. The motion was seconded by Commissioner Barber and carried 3-2 with Commissioners Sides and Ford dissenting.

Commissioner Coltrain moved, Commissioner Barber seconded and the vote to approve the Findings of Fact as presented by Staff passed unanimously.

The Findings of Fact were listed as follows:

1. The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety.

FACT: Compliance with the NC Building Code and Rowan County Health Department's Environmental Health Division standards will protect the public health and safety.

FACT: Fencing along the North Carolina Railroad corridor to the extent that NCRR Staff feel necessary will protect the safety of the public and patrons of the business.

FACT: Lighting of parking lot will eliminate potential accidents.

2. That the development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property, or that the development is a public necessity.

FACT: No testimony or evidence was presented suggesting the business would injure the value of adjoining or abutting property.

FACT: The Land Use Plan for the Areas West of I-85 recognizes the US 29 corridor to, "Promote and encourage the adaptive reuse or redevelopment of existing structures or sites that are complimentary to the corridor."

3. That the location and character of the development in accordance with the proposed conditions will be in general harmony with the area in which it is located and in general conformity with any adopted county plans.

FACT: The proposed business with suggested conditions will fit reasonably well with other commercial activities in the area.

5. PUBLIC HEARING FOR Z 02-12 & SNIA 01-12

Senior Planner Shane Stewart presented the staff report regarding Z 02-12 and SNIA 01-12. Mr. Stewart explained that Thomas McCann had purchased a single-family dwelling situated on 4.63 acres located at 9330 West N 152 Hwy near the Iredell County line in September of 2007. A few months later, Mr. McCann obtained a zoning permit to construct a small restaurant adjacent to his residence, which is permitted in the Rural Agricultural (RA) zoning district with special requirements. Mr. Stewart reported that last month, Mr. McCann subdivided the parcel to separate his residence from the business in anticipation of selling one or both tracts. Mr. Stewart said in accordance with Section 21-114 of the County's Zoning Ordinance, if the ownership or residency status of a "family" business changes, the business becomes a legal non-conforming use as long as the business does not cease operation for a period of one year.

Mr. Stewart said Mr. McCann requested the rezoning of 2.66 acres of his 4.63 acre parcel located at 9360 West NC 152 Highway, referenced as Tax Parcel part of 230-005 from RA to Neighborhood Business (NB), which would ensure the restaurant would not become a legal non-conforming use should he reside elsewhere. Mr. Stewart provided a power point presentation to depict the site and the surrounding area.

Mr. Stewart highlighted the General Criteria and Zoning Criteria contained in the staff report.

Mr. Stewart said the request also included consideration of SNIA 01-12 to accommodate the existing 14% impervious coverage for the restaurant parcel compared to the 12% by right. Mr. Stewart reported that since the request did not join an existing NB district, a statement of reasonableness was necessary to address the small-scale rezoning. Additionally, the Board should develop a statement of consistency to address the relationship between the request and any applicable county adopted plans.

Mr. Stewart said Staff supported the both requests as presented.

Mr. Stewart said the Planning Board voted unanimously to recommend approval of the request as presented based on the following statements:

Statement of Reasonableness:

1. This request appears to be compatible with the zoning district's allowable uses, since it will not impact schools, would require no additional utilities and already has state approved highway driveway permit.
2. Request appears to be reasonable since the West Rowan Land Use Plan allows this type of development.

Statement of Consistency:

1. Request appears to be consistent with the Neighborhood Business Zoning classification's purpose and intent.
2. West Rowan Land Use Plan allows Neighborhood Business classification in situations along minor and major thoroughfare as this is.

Chairman Mitchell opened the public hearing to receive citizen input regarding Z 02-12 and SNIA 01-12. The following individuals came forward:

- Attorney Carl Short, representing the McCann family said the family, said there were no changes requested for the use of the property. Mr. Short said the request was driven by the lending environment. Mr. Short explained that it was impossible today to get a residential loan with a business located on the property and vice versa and therefore called for a division of the property. Mr. Short said the family had no intentions of expanding or changing the business.
- Joann Holland, Pastor of Prospect Presbyterian Church, said the church was located on 50 acres across the street from Mr. McCann's business. Pastor Holland stated that Prospect Church had been on the site since 1824. Pastor Holland explained that the church had a ball field with lights and a large outdoor pavilion, which was used by many outside groups and families. Pastor Holland said that part of the property was called Prospect Park and that the church also housed a Preschool. Pastor Holland said the governing elders of the church had studied at length the request for rezoning by Mr. McCann. Pastor Holland said they sympathized with Mr. McCann and they were not there to oppose the request. Pastor Holland stated that Mr. McCann had been a good neighbor and trusted he would continue to be a good neighbor in the future. Pastor Holland urged the Board of Commissioners to approve Mr. McCann's request. Pastor Holland explained that the church was concerned with the matter as it related to the NB and RA Zoning. Pastor Holland said the church was concerned about the variety and nature of some of the businesses that could be permitted under RA Zoning without notification to the surrounding home owners or organizations. Pastor Holland used the example of Mr. McCann's restaurant appearing across the street from the church with no warning or knowledge that a business was to be located there nor what type of business it was going to be. Pastor Holland went on to say that RA generally did not require notification of the surrounding home owners or residents. Pastor Holland stated she went on vacation two years ago and came back to find a restaurant or what was thought to be a convenience store across the street from the church. Pastor Holland stated that it was a shock that was shared by many members and elders in the church. Pastor Holland said the church was also concerned about what other businesses could be located around them without any notification or ability to object, especially if that business was to be detrimental to the work and worship of the church. Pastor Holland said

the elders, in studying the request from Mr. McCann and RA Zoning, became distressed to know that such uses as sawmills, heavy construction, etc. could be allowed. Pastor Holland said there appeared to be inconsistencies between the RA Zoning and the NB Zoning and gave several examples. Pastor Holland requested the Commissioners ask planning staff to review the uses allowed in the RA and NB category and come back with recommendations for possible changes in the uses allowed. Pastor Holland suggested that the process would benefit by public input and that constant review and revision of zoning uses would be helpful. Pastor Holland said it seemed to be a prudent and welcomed request and in the best interest of all citizens of Rowan County that some study be undertaken. Pastor Holland said that at the heart of this request was concern about the potential for incompatible uses of the property surrounding Prospect Presbyterian Church and the placement of inappropriate businesses that could impact the church life and neighborhood adversely. Pastor Holland said it was hoped the Commissioners would consider the request carefully and request staff to undertake the review.

Commissioner Sides moved approval of the Statements of Reasonableness and Consistency as submitted by the Planning Board. The motion was seconded by Commissioner Coltrain and passed unanimously.

Commissioner Sides moved approval of Z 02-12 and SNIA 01-12. The motion was seconded by Commissioner Ford and carried unanimously.

Chairman Mitchell called for a recess at 6:55 p.m.

Chairman Mitchell reconvened the meeting at 7:10 p.m.

6. CONSIDER APPROVAL OF SNIA 02-12

Senior Planner Shane Stewart said a Special Non-Residential Intensity Allocation (SNIA) request was submitted by to the Planning Department for compliance review with the County's Zoning Ordinance.

The request was submitted by applicant Corriher Heights Baptist Church for Tax Parcel 121A-077 located at 1980 NC 153 Highway.

Staff recommended approval of the request.

Commissioner Ford moved, Commissioner Coltrain seconded and the vote to approve SNIA 02-12 passed unanimously.

7. CONSIDER PE 01-12 PERMIT TO EXCEED NOISE ORDINANCE STANDARDS

Senior Planner Shane Stewart said the 14th annual Rowan County Relay for life event would be held on May 4-5, 2012 at the Rowan County Fairgrounds located at 1560 Julian Road to benefit the American Cancer Society. Mr. Stewart said while the property was located in the extraterritorial jurisdiction of the City of Salisbury, the County's Noise Ordinance governed unreasonable amplified sound for all areas of the county outside municipal limits.

Mr. Stewart said when an event was open to the public, Section 14.12 of the ordinance provided an opportunity to exceed amplified sound standards in the form of a "permit to exceed".

Mr. Stewart said staff recommended approval of the request.

Chairman Mitchell opened the floor for public comment on the matter.

Commissioner Barber moved, Commissioner Sides seconded and the vote to approve PE 01-12 passed unanimously.

7.2 RESOLUTION IN FAVOR OF REINSTATEMENT OF STATE FUNDING TO THE NC TRANSPORTATION MUSEUM (*Pulled From Consent Agenda for Discussion*)

Commissioner Ford said the County received mandates from the State each year and that he did not want to send the State a letter telling it how to spend its money.

Commissioner Ford continued by saying none of the municipalities contributed funds to the Transportation Museum. Commissioner Ford said there was talk of the Museum's funding being restored and he questioned whether the County should send the resolution to the State.

Commissioner Coltrain said he understood Commissioner Ford's comments; however, all the County would be asking was for the General Assembly to reconsider its decision.

Commissioner Sides agreed with Commissioner Ford saying the problem with the resolution was that the State made a budget decision this was one place they could cut to balance the budget. Commissioner Sides said he would not vote to tell the State to put that money back in the budget because the money would have to come from somewhere. Commissioner Sides said he felt the cut would come back in the County's direction.

Commissioner Barber said he felt the state had plenty of places to cut and that he would support the resolution.

Chairman Mitchell said he felt the same way as Commissioner Barber and suggested rewording the last paragraph to encourage the North Carolina General Assembly to do whatever possible, with the understanding of their budget constraints, to reinstate the continued funding of the Transportation Museum. Chairman Mitchell said rewording would show that the Board understood there were budget issues and at the same time make the effort to support a good organization in Rowan County.

Commissioner Coltrain stated that support needed to be voiced but that the state was going to do what it wanted to anyway.

Commissioner Ford said that Rowan County was the only entity in the County that put any money into the Transportation Museum, saying that even the Town of Spencer did not put money into it. Commissioner Ford said he could go along with the Resolution if the wording was changed.

Commissioner Sides suggested putting this matter off until the next agenda when the necessary wording could be formulated.

Commissioner Coltrain said in order to accomplish Commissioner Ford's suggestion, the words "strongly urged" could be struck and the Resolution would read "Now therefore be it resolved that Rowan County Board of Commissioners encourage the North Carolina General Assembly", etc.

Commissioner Coltrain put the wording in the form a motion and Commissioner Barber seconded.

Commissioner Ford expressed that he would prefer to put the matter off.

Chairman Mitchell said he viewed the issue as supporting what Senator Brock mentioned in regards to working towards restoration of the funds.

Commissioner Sides said he was not against the Transportation Museum. Commissioner Sides commented that the County was the only local entity that put money into the Museum. Commissioner Sides said it was his hope that the Legislature would see the Resolution in the same light as the County intended.

Upon being put to a vote, the motion on the floor passed unanimously.

8. CONSIDER APPROVAL OF AGREEMENT WITH CITY OF SALISBURY FOR 911 CONSOLIDATION

(The meeting was recessed after the remaining agenda items were discussed. The Board reconvened the following day on April 17, 2012 at 11:00 a.m. to discuss this matter.)

9. CONSIDER APPROVAL OF HIGH BID FOR SURPLUS PROPERTY OFF AMITY HILL ROAD

This topic was deleted from the agenda.

10. CONSIDER APPROVAL OF BUDGET AMENDMENTS

Finance Director Leslie Heidrick presented the following budget amendments for the Board's consideration:

- Emergency Services – Move donation monies to expense line in order to use for EMS Week expenses - \$100
- Health – Increase in revenue account based on Medicaid earnings for Pregnancy Care Management Program to cover expenses for Fiscal Year 2011-12 - \$25,937
- Parks and Recreation – Cover expenses for Senior Games - \$5,000
- Finance – Appropriate funds for new detention officers and supplies for opening of new satellite jail - \$353,591
- Social Services – Additional funding for Share the Warmth - \$86

Commissioner Coltrain moved approval of the budget amendments as presented. The motion was seconded by Commissioner Barber and passed unanimously.

Commissioner Barber moved, Commissioner Coltrain seconded and the vote to recess until 11:00 a.m. on April 17, 2012 passed unanimously.

Chairman Mitchell called the meeting back to order at 11:00 am on April 17, 2012 and said the Board would discuss the Interlocal Cooperative Agreement with the City of Salisbury for 911 consolidation. Chairman Mitchell suggested the Board review the document page by page or item by item. Chairman Mitchell asked for overall comments on the document.

Commissioner Coltrain said this topic had been discussed since 2009 when the County received the mandate from the Federal Communication Corporation about transitioning of the radios. Commissioner Coltrain said since that time, the topic had been thoroughly explored and researched by staff.

Commissioner Coltrain made the motion to approve the Memorandum of Understanding for the merger of the 911 services. The motion was seconded by Commissioner Barber.

Commissioner Sides recalled when the issue had been brought to each individual Commissioner by the County Manager. Commissioner Sides stated that there was conversation involving the size of the building, bringing the City's people in and the need for a larger building to truly have consolidation. Commissioner Sides said he thought the County Manager was a little surprised

that he agreed the County should build a facility large enough to accommodate the City, whether consolidation occurred or not.

Commissioner Sides spoke pertaining to the level of trust between the City and the County and said the County had always been trustworthy, delivering on every promise. Commissioner Sides said he had been told months ago there was a promise from the City that there would be a Memorandum of Understanding (MOU) coming from the City to the County for the consolidation. Commissioner Sides said the document did not materialize until the last thirty (30) days and it had been insufficient for the County to meet the grant requirements. Commissioner Sides said he was not at all happy with the agreement that laid out the terms and put demands on the County that were not necessary.

Commissioner Sides felt the MOU could be two (2) pages. Commissioner Sides said he had a conversation with Rob Robinson, Telecommunications Director, who said he could reduce the document to two (2) pages and it would be acceptable to the 911 Board.

Commissioner Sides said he was prepared to consolidate 911 services countywide, as it would be best for all citizens in the County. Commissioner Sides said he was not prepared to guarantee the City any level of service better than what the County provided to all other municipalities.

Commissioner Sides commented again regarding the issue of trust. Commissioner Sides discussed water/sewer agreements between the City and other entities, which stated that water/sewer funds should not be used to subsidize other operations. Commissioner Sides said over the past two years, the City had taken over \$5 million from the water/sewer fund and transferred the money to the Fibrant fund. Commissioner Sides said he was concerned that the County has cooperated in a number of water/sewer projects with the City to the tune of millions of dollars. Commissioner Sides voiced concern the money in the water/sewer fund that should be used to build and maintain infrastructure, and reduce rates for water/sewer, was now being used for a different purpose than was intended.

Commissioner Sides said the County was going to guarantee to provide better 911 services to the citizens of Salisbury than they had experienced in the past and it could be done without the “fluff” in the proposed agreement. Commissioner Sides said he would not vote for the document.

Commissioner Ford said if he was to vote for the document it would be on the reluctant side. Commissioner Ford said the matter had been discussed for years; however, the Board was being asked to make a decision on the agreement after reviewing the document for only a few days. Commissioner Ford said he felt consolidation would be better for all the citizens. Commissioner

Ford said he was not satisfied with the agreement, although he would possibly vote for it.

Chairman Mitchell directed the Commissioners to page one (1), the organizational objectives. Chairman Mitchell asked if there were any questions or discussions on items a through g.

Commissioner Sides said that when he had spoken with Rob Robinson earlier he mentioned that the County did not need the Oversight Compliance Review Committee. Commissioner Sides felt like item "f" could be left out. Commissioner Sides said the reason for leaving it out was that the County was already doing what the document was requiring and the County would never do any less.

Commissioner Barber asked the question as to who had item "f" put into the document, the City or the County, or was it mutually agreeable.

Chairman Mitchell called Rob Robinson, Director of Telecommunications, forward to walk the Commissioners through section 8, the Compliance Review Committee (Committee), and to discuss the real purpose of the committee and whether it was something that could be struck out.

Mr. Robinson stated the Committee was something recommended by the City and that when first received, the County was not in favor of the suggestion. Mr. Robinson said after further review, it was felt the Committee would be to the County's benefit as well.

Chairman Mitchell said his main question regarding the Committee was whether there were other instances where a volunteer fire department or municipality might wish to make a change to something the operation was doing in regards to dispatch protocol. Mr. Robinson said consistency was used across the board for everybody. Mr. Robinson said there were some situations in the City where things were done differently since it was a largely paid department. Mr. Robinson said the City was looking to have input through the Committee with some of their people so issues could be discussed from both the County and City side.

Chairman Mitchell said he saw the Committee as being technical in nature with regards to protocol because anything that required more money would have to go before the governing board. Chairman Mitchell said the request, if it received a no, would go to this technical review committee who would then make a decision as to whether the action would be performed.

Mr. Robinson pointed out number 6 under section 8b and discussed accreditation requirements.

Commissioner Barber asked what it would hurt to have the Committee in place.

Chairman Mitchell said a negative to the Committee would be that other municipalities or volunteer fire departments had no representation.

Mr. Robinson discussed the role and makeup of the Telecomm Advisory Board (TAB). Mr. Robinson said TAB was basically made up of the different users within the system. Mr. Robinson said there was a representative from the Sheriff's Office, a police chief representing the small municipalities, the City Fire Chief, the City Police Chief, Emergency Services Director, and the Fire Association President.

Chairman Mitchell said on the face of it, he would prefer the TAB take the function of the Committee.

Commissioner Coltrain asked if the two committees would be performing the same function. Commissioner Coltrain agreed the TAB could perform the functions; however, he felt the Committee could be in place for the startup period and the duties eventually evolve over to the TAB.

Chairman Mitchell said he had no problem agreeing that while the start up was evolving, there may need to be a little more communication with the City. Chairman Mitchell said on a permanent agreement basis, he would prefer the TAB take the place of the Committee.

Mr. Robinson said the City was one of the only agencies accredited and it was currently seeking reaccreditation. Mr. Robinson said there would be some things the City would need that would not involve the entire TAB. Mr. Robinson said when looking over the responsibilities, the Committee would also protect the County during the transitional period.

Commissioner Sides said the TAB appealed to him a lot better than creating another Committee.

Chairman Mitchell moved to amend the agreement to add the Compliance Review Committee, as is, existing for a period of time, a year or so, two years max, until the County got into the habit, making sure there are some assurances that the certifications were going to be able to be met and upheld, after which point the function of that Committee switched over to the TAB. The motion was seconded by Commissioner Sides.

Commissioner Barber asked what period of time. Chairman Mitchell responded two years, starting July 1, 2012.

Salisbury Police Chief Rory Collins addressed the Commissioners by saying his biggest concern was the implementation phase. Chief Collins said with the two

year period of implementation and oversight of the Committee he would be perfectly content.

Upon being put to a vote, the amendment passed unanimously.

Mr. Page questioned the start date of July 2012, stating the dispatching would not start until July 2013. Chairman Mitchell said he felt sure Chief Collins would want some ground work done prior to the switch of the ten telecommunicators.

Commissioner Sides said it would give them a year before actual implementation and a year after.

Commissioner Coltrain said he felt it needed to state two years after implementation, or 2015.

Chairman Mitchell said the motion says through 2014 and if the City felt the need for extra time they would be able to come back to the Board at a later date.

Chairman Mitchell moved on to pages 2-3 and the issues were items 1-6.

Commissioner Sides said the item he had a problem with and did not understand was item 3. Commissioner Sides said he had agreed all along that the County would take on the responsibility of payroll for the additional employees. Commissioner Sides said he did not understand why the \$50,000 a year for ten years had been inserted with the right to withdraw. Commissioner Sides said if the City were going to give the money to the County it should not have conditions on it. Commissioner Sides said with the Committee in place and the ability to agree to reasonable terms, there would be no need to withdraw the money. Commissioner Sides went on to say that the understanding all along had been for the City to give up the \$14,000 a month the County was paying to use their tower.

Chairman Mitchell said it was his understanding was the tower issue was a separate agreement.

Commissioner Sides asked if the City would honor the agreement where the County would not have to pay the \$14,000 per month.

Commissioner Coltrain said the City could say in the next 30-60 days they would discontinue their 911 service and the County would have to provide the service "without one red cent". Commissioner Coltrain said the City was offering to contribute to the cost of this venture and the County should just say thank you and look forward to working together.

Mr. Page said in 2013 the County would pick up ten (10) employees at a cost of approximately \$400,000. Mr. Page said there was also the cost of \$240,000 for

new consoles. Mr. Page said he viewed the \$50,000 as helping to offset the cost of the consoles and salaries, and as an incentive to maintain accreditation.

Commissioner Sides said he did not have a problem accepting \$50,000, but that his understanding was the \$14,000 a month for the tower would go away. Commissioner Sides said the County could have built the building smaller, or not allowed for the ten (10) additional employees. Commissioner Sides said the County had stepped up to the plate when it came to the radios. Commissioner Sides said he realized the issues were separate, but it would not be separate when it came up later if the City claimed it would not do away with the \$14,000.

Chairman Mitchell said he did not know if that question could be answered if City Council had not taken action.

Mr. Page said the staff had always taken the position that the County looked at the building and what needed to be done to accommodate consolidation and that was addressed with the Commissioners. Mr. Page said the radios were bought for all of the fire departments and the County made the commitment to the City. Mr. Page said the City wanted to retain the tower, equipment and land they had owned for twenty years. Mr. Page said it had been thought of all along as a separate issue that the City was not willing to negotiate. Mr. Page said the County would need to spend its' fair share and after a couple of years of doing it right, the City would be more open. Mr. Page said he did not feel the City was ready to give it up yet.

Chairman Mitchell asked if the only reason to hold on to the current site was if the City were to get back into the dispatching game. Mr. Page responded yes and said there was a fear that if there was consolidation and three years into it things were not working, the County would be on the hook for the grant money. Mr. Page said the entire process was all about trying to maximize grant money.

Chairman Mitchell asked Mr. Robinson what other functions, other than dispatching, the tower served and Mr. Robinson said that was all. Mr. Robinson said the City had millions invested in the site and would not just want to give it up. Mr. Robinson said in order for the dispatching to work, the County's towers had to connect back to the City's. Mr. Robinson said that on the last page of the agreement, under number 13, there was a section stating the MOU did not have anything to do with the radio system.

Chairman Mitchell said he must be missing a few pages because his document ended at number 10 in section 9.

Chairman Mitchell called for a brief recess at 11:46 am.

Chairman Mitchell reconvened the meeting at 12:00 noon.

Chairman Mitchell asked Mr. Robinson to finish his thought with item number 13.

Mr. Robinson apologized that the piece was left off of the Commissioners copy. Mr. Robinson said the wording on number 13 was specifically added to say that this particular MOU had nothing to do with the radio system. Mr. Robinson said that would be a different MOU that would have to be worked out in the future. Mr. Robinson said this MOU was specifically for consolidation and the County wanted to make sure the wordage was in the document so that the City would not say the County adopted another MOU that did not address that section.

Commissioner Sides said he was not happy with the answer to his initial question, but he would accept the gracious offer from the City to pay \$50,000 a year for ten years, if an amendment to remove the language that said they could withdraw the yearly payment would be accepted. Commissioner Sides said this would be a good faith effort on the part of the City to assist in the County's consolidation effort. Commissioner Sides said he would like for the wordage that allowed the City to withdraw that payment to be removed, except for the part that if they were to withdraw from the total agreement, naturally they would not be obligated to pay.

Commissioner Sides put the suggestion into the form of a motion and Commissioner Ford seconded.

Chairman Mitchell said the motion would basically state the City reserved the right to withhold the payment in any given year should the County fail to meet the service level and performance requirements of the agreement unless they withdraw from this agreement as a whole.

Commissioner Sides agreed and said that with the Committee that had been authorized, the City had the medium they needed to rectify any problems they had with the system.

Commissioner Coltrain said he was in agreement with Commissioner Sides and he did not feel it was necessary but it did not hurt for it to be in there.

The amendment passed 3-2 with Commissioners Coltrain and Barber dissenting.

Chairman Mitchell said to strike the last sentence and modify it to say "unless they drop out of the agreement".

Commissioner Barber wanted to go back to item "f" on the first page to ask a question about the last time the TAB met.

Mr. Robinson responded that the TAB had not met on a regular basis, which was due to the business of the new 911 Center project.

Chairman Mitchell asked how often the committee met and Mr. Robinson replied that it met quarterly.

Commissioner Barber moved to amend item “f” to state that once the compliance review committee was no longer required and those responsibilities move over to the TAB, they are required to have a meeting on a quarterly basis. Commissioner Coltrain seconded the motion passed unanimously.

Chairman Mitchell said there would need to be some housekeeping changes based on the motion that passed pertaining to the TAB, such as under number 5.

Chairman Mitchell went on to address Item 9 – Service level and funding.

Commissioner Sides said that as a matter of housekeeping under service level and funding, the first paragraph, last sentence should say “funds are deposited in a special restricted revenue fund”.

Chairman Mitchell had a question about item 9 – 1 concerning the four dispatchers on July 1. Chairman Mitchell said that the last discussion concerning the new dispatchers and the need for Salisbury Fire to have some additional coverage, the four positions were something Mr. Robinson had been asking for. Chairman Mitchell questioned the potential for hiring one (1) or two (2) and using them as peak time employees versus bringing on four (4) immediately. Chairman Mitchell said the County could ease into it while giving Salisbury Fire the service it needed.

Mr. Robinson said the optimal decision would be to add one per shift. Mr. Robinson said he had discussed with the Human Resources Director and County Manager as to how to modify the schedule. Mr. Robinson said one of the concerns on modifying the schedules was that Rowan County was one of the few public safety agencies not exempt from overtime, meaning a significant overtime budget. Mr. Robinson said it was estimated there would be approximately 30,000 extra calls for the City combined with approximately 150,000 calls for Rowan County.

Chairman Mitchell said he would like the agreement modified to state that it would be the County’s goal to hire four (4) new dispatchers. Chairman Mitchell said it could be that the County would start by working with through the scheduling situation instead of stating the County would hire one (1) person per shift. Chairman Mitchell said the County would utilize any other method at its’ disposal, including hiring maybe two (2), to add coverage. Chairman Mitchell said he did not know what was needed and that Mr. Robinson had asked for the positions for awhile, and which might be the eventual answer. Chairman Mitchell said he would like to try other options prior to hiring the four (4).

Mr. Robinson said the number hired would play a factor in ISO ratings due to several departments in the County that were one point or less away from a better ISO rating. Mr. Robinson said the lower ISO rating was a huge savings to citizens on their fire insurance. Mr. Robinson said he was not opposed to looking at schedules.

Chairman Mitchell made a motion to add some flexibility to allowing the Managers to look at the scheduling.

Commissioner Sides asked that, along with the language, to include that the County was not required to be held to a minimum of 90%. Commissioner Sides said it was the County's and the department's goal to provide the best possible level of service countywide that could be provided.

Chairman Mitchell questioned whether Commissioner Sides was seconding the motion and Commissioner Sides replied he was.

Chairman Mitchell said what he would like everybody to know was that if there was a dispatcher that had been designated Salisbury City fire and they were not doing anything at the moment a call came in, the call would go to that dispatcher.

Mr. Robinson said that was the intent of the verbiage where it was stated a minimum of intent. Mr. Robinson said he could not validate percentages.

Commissioner Sides said he did not want anyone coming back saying a 90% goal was not met.

Commissioner Sides said you had to evaluate when the nine individuals came on line whether the call volume supported them doing only Salisbury Police. Commissioner Sides said they could be needed for something else. Commissioner Sides said the main goal was to do Salisbury dispatch, but they could be used for something else.

Chairman Mitchell said the County was not backing off of the commitment of saying those positions were for City fire, but people needed to realize that the 90% figure would be hard to verify to begin with. Chairman Mitchell said those would be County employees who needed to cover everybody to the extent needed.

Commissioner Sides asked if Chairman Mitchell's motion would include removing that same statement from the next paragraph. Commissioner Sides stated the County wanted to be better than 90%. Chairman Mitchell agreed.

Commissioner Barber questioned as to why not at least have a benchmark and Chairman Mitchell said it could not be verified. Commissioner Barber asked who put the statement in there and why was it put in there.

Mr. Robinson said it was at the request of the City because the County was taking their dispatchers and they wanted to make sure that their quality of service did not decrease. Mr. Robinson said the City had two (2) dispatchers and did not want the County taking one of the dispatchers and putting them on the EMS desk.

Commissioner Sides said that if the County was going to accept the liability of \$400,000 in payroll, and the County was to accept the liability of doing the job knowing up front there would be no delays in calls, a better job would be done from day one. Commissioner Sides said it would be the county's intent to provide better than even 90%. Commissioner Sides said the County was going to do the job that was tasked to be done and that percentage was not needed.

Commissioner Coltrain asked Chairman Mitchell for the suggested verbiage as far as working towards the four (4) dispatchers. Commissioner Coltrain said the County had needed four (4) additional people for a number of years. Commissioner Coltrain said if it was being said the County was working toward this, it would be no different than what had been said over the last ten (10) years.

Chairman Mitchell said his point with the motion was that the County had been asked for four (4) new dispatchers for a while. Chairman Mitchell said he did not want to say the County would hire four (4) new dispatchers when the County might be able to perform the needed coverage with two (2) peak time staff. Chairman Mitchell said he wanted to seriously look at scheduling policies and make every effort to keep the number as low as possible.

Commissioner Coltrain asked if Chairman Mitchell would tweak his amendment to say that the County would work toward hiring the number of additional dispatchers that would be needed to meet the needs of the program and Chairman Mitchell agreed.

Commissioner Coltrain referred to the 90% goal and said he was agreeable to leaving the percentage in the agreement.

Chairman Mitchell said the percentage implied that if, at any given time, the dispatchers for Salisbury Fire got overwhelmed and needed extra help, people working for the County could not be moved over to cover. Chairman Mitchell said it would get into an immeasurable situation where it questioned the intent.

Commissioner Sides said it got into a situation where the County was guaranteeing somebody more than what was being guaranteed to everyone else in the County.

Chairman Mitchell said strictly by the numbers, Salisbury Fire and Salisbury Police would receive more man hours from the dispatchers. Chairman Mitchell said it would probably be more than 98% when it was all said and done.

Chairman Mitchell said he wanted the positions moved to where they needed to be moved.

Commissioner Coltrain said the people needed to meet the need of the job at the moment.

Chairman Mitchell said his motion was to strike the last sentence of paragraph one and paragraph two and to put phrasing in that the County would do whatever was necessary, up to four new dispatchers, to ease the fire dispatch situation.

The amendment passed unanimously.

Chairman Mitchell said the Board would now consider 3 through 12.

Commissioner Sides made a motion to remove number 9, agreeing to reimburse the City the cost of recently purchased headsets in fiscal year 2012. The motion was seconded by Commissioner Ford.

Mr. Robinson said the County basically used wireless head sets within the 911 Center that answered both telephones and radios. Mr. Robinson said the City's telecom manager had met with him regarding what the County used. Mr. Robinson said the City had purchased new headsets for their dispatchers, and the intent was for the County to buy those headsets back when the dispatchers came to work for the County. Mr. Robinson said the County would reimburse what the City put into the headsets since the City would not need them. Mr. Robinson said the County would have to have the headsets, so either the County bought them from the City or bought new ones.

Commissioner Sides said his motion would include that the City send the headsets along with the dispatchers. Commissioner Sides said the cost was only around \$1000.

Chairman Mitchell said he wished they would donate them, but the County had to buy them anyway.

The motion to strike number 9 failed 2-3 with Chairman Mitchell and Commissioners Barber and Coltrain dissenting.

The Board discussed the he last page prior to the signature page.

In response to an inquiry from Chairman Mitchell regarding the 10% health insurance, Mr. Page explained aid that as of January 1 all new hires had to pay 10% of their health insurance. Mr. Page said next year, when the City's employees were transferred, the County would pay the salary and benefits that were commensurate with every other county employee.

Chairman Mitchell restated that the City's employees would come in as if they had been County employees for however long they had been City employees, but it would not apply to the four new hires. Mr. Page said it applied to existing employees.

Commissioner Sides questioned the wording under 10 – Term, concerning the installation and removal of equipment. Commissioner Sides also looked at 13 – Ownership of Facilities and Effect of Withdrawal. Commissioner Sides stated that he felt the two paragraphs conflicted. Commissioner Sides asked what equipment the City would be buying that they would install and remove.

Mr. Robinson said that was probably a section that would need to be removed.

Commissioner Sides said that would be begin with “in the event that the withdrawing party” through the rest of the paragraph. Mr. Robinson asked for clarification if it was under section 10 and it was.

Commissioner Sides made the motion that part of paragraph 10 from “in the event” through the remainder of the paragraph be removed. Commissioner Ford seconded and the motion passed unanimously.

Chairman Mitchell asked for any questions on amendments, effective date, or ownership.

Chairman Mitchell said there was now an amended agreement.

Mr. Robinson made another point that the City Manager and Police Chief brought to his attention. Mr. Robinson said that the staff that had been referred to in the agreement was originally thought to be ten (10) but was actually eleven (11). Mr. Robinson said it had just been brought to his attention. Mr. Robinson said the assumption was nine dispatchers with a supervisor but it was actually ten (10) dispatchers and a shift supervisor.

Chairman Mitchell asked if another supervisory position would be needed when the ten (10) slots were added.

Mr. Robinson explained there were four working supervisors currently, one on each shift. Mr. Robinson said the plan was to use that supervisor to oversee the police section until everything was consolidated within the first twelve months. Mr. Robinson said after that, the decision had not been made as to what to do with that position.

Commissioner Sides said they would live without it. Commissioner Sides said that was his motion that the County agreed to ten (10) and that was what was talked about.

Chairman Mitchell said ten (10) was listed in the document.

Commissioner Coltrain said that if the position was needed anyway, he was in favor of going on with it.

Mr. Robinson said the whole purpose of what the Chief wanted was for this person not to be laid off if there was consolidation. Mr. Robinson recommended that if the County got down to position where the County had to hire, the County would hire three, with the fourth being the City position. Mr. Robinson said the County would not hire more than fourteen. Mr. Robinson said the goal was no lay offs.

At the request of Commissioner Coltrain, Chairman Mitchell reviewed the amendments that had been made to the agreement.

Commissioner Coltrain asked if City Manager, Doug Paris, would receive the amended document before City Council met later in the day.

Mr. Paris came forward and said he was concerned that the agreement before the Board was a previous version and not the final version that was reviewed by City staff.

Chairman Mitchell said the document that the Commissioners had reviewed would be the document that should be taken to the City Council.

Mr. Paris said the City would consider the new document that would be sent.

Mr. Page explained that there had been four (4) working versions of the document as County and City staff made changes in an effort to create a final document. Mr. Page said the agreement before the Commissioners was the most recent and accurate document. Mr. Page said if the City said they would not be able to live with the changes, the County would withdraw the application and move forward with consolidation. Mr. Page questioned whether the Commissioners would be open to any more meetings or whether this would be the final meeting.

Chairman Mitchell said from his perspective, a good faith effort was made to make changes that did not affect the overall tone or structure of the agreement. Chairman Mitchell said if there were technical issues that had to be put in due to accreditation, he would be willing to look at that in regards to a special meeting, but he did not intend on reviewing changes that did not affect those types of issues.

Commissioner Coltrain said that if those changes affected accreditation, he would be comfortable saying that the staff, the County and the City, do what was necessary to meet that.

Chairman Mitchell said he was willing to call a special meeting only if that were the case and he asked the County Manager keep the Commissioners apprised of any changes that City Council made. Chairman Mitchell said the goal was to provide the City with the services needed, and if it was a matter of verbiage for accreditation, a special meeting would be fine, but not just for assurances.

Commissioner Sides said this had been a good exercise and he was pleased that changes had been made to the document. Commissioner Sides said he still had some uncertainty about the different documents that had been presented and what was actually going to be in the final document. Commissioner Sides said the process should not have started in the last two weeks and should have taken place a long time ago. Commissioner Sides said he was glad the Commissioners had made the revisions and he was satisfied that he had done his job and gotten the best possible outcome for the citizens of Rowan County that he could get. Commissioner Sides said he would vote against the document simply because of the uncertainty about the different documents floating around.

Chairman Mitchell said most would agree that this should have happened a month ago. Chairman Mitchell said the Board had all worked off the same document. Chairman Mitchell said there needed to be certainty that a different draft did not make it before City Council. Chairman Mitchell said when City Council approved, amended or voted down the document, his vote would be contingent on the returning document matching the document the County had just debated. Chairman Mitchell said if there were changes it would be void.

Commissioner Barber said while there had been several different versions floating around, the general intent remained the same. Commissioner Barber said an hour and forty minutes had been spent on particular changes that in his opinion had not improved public safety nor had any impacts on the financial picture. Commissioner Barber said he had been satisfied with the document that was initially presented to the Commissioners and that he intended to vote accordingly. Commissioner Barber said this was an opportunity to start building a better relationship with the City. Commissioner Barber said the issues from the past as it related to the ABC Board, tourism tax, Airport annexation, water and sewer were in the past. Commissioner Barber said he would rather have spent the last hour and forty minutes talking about how to get citizens back to work. Commissioner Barber said he was prepared last night to vote on exactly what was presented to the Commissioners. Commissioner Barber said evidently there were some people who were disturbed with some of the language in the document, or that there had been some trust issue. Commissioner Barber said at least there had been no calls for someone to resign that represented our public safety community. Commissioner Barber said that, on his behalf, he wanted to publically issue an apology to Fire Marshal Tom Murphy for what happened two weeks ago.

Commissioner Sides addressed the Chairman stating the conversation was totally out of order.

Chairman Mitchell agreed with Commissioner Sides and asked Commissioner Barber to keep his comments to the Interlocal Agreement. Chairman Mitchell said if there needed to be a discussion on the Fire Marshal, another meeting would be more appropriate.

Commissioner Barber stated the ABC Board, Tourism Tax, and Airport Annexation, should not have been brought up either since those were not on the subject. Commissioner Barber said he was still offering a public apology to Fire Marshal Tom Murphy.

Commissioner Ford called the question.

Chairman Mitchell said his personal opinion was that the hour and forty minutes was how good government worked. Chairman Mitchell the contract was the epitome of a prime example of good government at work.

Chairman Mitchell called for a vote on the Interlocal Cooperative Agreement as amended. The vote passed 3-2 with Commissioners Sides and Barber dissenting.

11. ADJOURNMENT

There being no further business to come before the Board, Commissioner Sides moved to adjourn at 12:45 pm. Commissioner Barber seconded and the motion passed unanimously.

Respectfully Submitted,

Carolyn Athey, CMC, NCCCC
Clerk to the Board/
Assistant to the County Manager